

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

**STEVEN MITNICK,  
Assignee for Benefit of Creditors of Pro-Fruit  
Marketing, Inc.,**

**Plaintiff,**

**v.**

**FRUITFORT AGRICOLA EXPORTCAO,  
LTDA,**

**Defendant.**

**Civil Action No. 13-2151 (CCC)**

**ORDER**

On November 19, 2013, the Court entered an Order granting Defendant's then-attorney permission to withdraw as counsel of record. Also, because Defendant failed to retain substitute counsel and seemingly had abandoned the case, the Court directed Plaintiff to promptly file a motion to "strike defendant's answer and enter default . . . ." [CM/ECF. 24.]

On December 13, 2013, Plaintiff filed a motion seeking to strike Defendant's answer and enter default judgment. [CM/ECF No. 25.] Entry of default and default judgment are different things, and the mere fact of a default does not necessarily entitle Plaintiff to a judgment. *See Strenkoski v. Apex Chem., Inc.*, No. 13-2201, 2013 WL 6662539, at \*1-2 (D.N.J. Dec. 17, 2013).

Plaintiff's motion [CM/ECF No. 25] is **denied without prejudice**. Plaintiff may renew its motion limiting the relief requested to the striking of Defendants' answer and the entry of default. If that motion is granted, then Plaintiff may further move for the entry of judgment. *See, e.g., Strenkoski*, 2013 WL 6662539, at \*1. Any renewed motion should be filed no later than **January 3, 2014**.

**SO ORDERED.**

s/Mark Falk  
**MARK FALK**  
**United States Magistrate Judge**

**DATED: December 23, 2013**